

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW HAMPSHIRE

In re:

SKELLEY MEDICAL, LLC,

Debtor.

CHAPTER 7
CASE NO. 15-11817-JMD

**CHAPTER 7 TRUSTEE'S MOTION TO CONDUCT RULE 2004 EXAMINATION
OF THE KEEPER OF THE RECORDS OF EASTERN BANK
f/k/a CENTRIX BANK AND TRUST**

Olga L. Gordon, the duly appointed Chapter 7 trustee (the "Trustee") for the bankruptcy estate of Skelley Medical, LLC, hereby moves this Court for the entry of an order authorizing the Trustee to conduct an examination of the Keeper of the Records of Eastern Bank f/k/a Centrix Bank and Trust ("Centrix") pursuant to Rule 2004 of the Federal Rules of Bankruptcy Procedures.

In support of this Motion, the Trustee states as follows:

1. On November 27, 2015, Skelley Medical, LLC (the "Debtor") filed a voluntary petition pursuant to Chapter 7 of 11 U.S.C. §§ 101-1330 (the "Bankruptcy Code").
2. On November 30, 2015, the Trustee was appointed as the Chapter 7 Trustee of the Debtor's bankruptcy estate.
3. Upon information and belief, the Debtor maintained bank accounts at Centrix.
4. The Trustee requires the testimony, under oath, of the Keeper of the Records of Centrix as part of the Trustee's investigation to determine whether there are any transfers within four (4) years of the Petition Date that may be recoverable for the bankruptcy estate.
5. The Trustee believes that the taking of a Rule 2004 Examination is in the best interest of the bankruptcy estate.

6. The Trustee states that, pursuant to LBR 7102(b)(2), an accompanying memorandum of law should not be required for the relief requested herein because the relevant law has been sufficiently set forth in this Motion.

WHEREFORE, the Trustee requests the entry of an Order authorizing a Rule 2004 Examination of the Keeper of the Records shall appear for examination under Rule 2004 at 3 Executive Park, Bedford, New Hampshire on June 21, 2016 at 12:00 p.m., with document production to be accomplished by June 14, 2016 as more fully described in Exhibit A attached hereto.

Respectfully submitted,

OLGA L. GORDON, CHAPTER 7 TRUSTEE,

By her attorneys,

/s/ Olga L. Gordon

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Dated: May 24, 2016

EXHIBIT A

Pursuant to Rule 2004(c) and Rule 9016 of the Federal Rules of Bankruptcy Procedure, the Trustee hereby requests that Centrix produce each and every document identified below, to be received at the office of Murtha Cullina LLP, 99 High Street, 20th Floor, Boston, Massachusetts 02110 by the deadline set forth in the Motion.

INSTRUCTIONS

1. You are required to produce each document as described below that is in your custody and control, or in the custody and control of your agents, employees, or attorney(s).
2. The past tense shall be construed to include the present tense and vice-versa to make the request inclusive rather than exclusive.
3. The singular shall be construed to include the plural and vice versa to make the request inclusive rather than exclusive.

DEFINITIONS

As used herein, the following terms shall have the meanings indicated below:

1. As used in this request, the term “document” is equal in scope with the definition contained in Fed. R. Civ. P. 34 and includes, but is not limited to, any papers, writings, notes, contracts, memoranda, reports, financial records, computer or other business machine records, communications sent via any electronic means, included but not limited to Internet and extranet compilations or written or graphic material stored in a tangible, electronic, mechanical or electric form, or any representation of any kind, including but not limited to, materials stored on or in computer disks, networks, mainframes, hard drives, CD-ROM, tapes or other forms of memory as well as back-up and deleted files of any computer storage device or media, whether located on or off site, from which the information can be obtained, as well as any draft, non-identical copy, and/or translation of the foregoing.
2. The terms “and” and “or” shall, where the context permits, be construed as “and/or”, so as to be inclusive rather than exclusive.
3. The term “concerning” means referring to, relating to, describing, evidencing or constituting.

REQUEST

REQUEST NO. 1

Any and all bank statements and cancelled checks relating to the account(s) of the Debtor at Centrix Bank and Trust within four (4) years of November 27, 2015.